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J1064 U.S. PTO

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Attorney Docket P0894P1D2C4

PATENT

CERTIFICATION UNDER 37 CFR 1.10	
EM 168 886 555 US: Express Mail Number	June 29, 2001: Date of Deposit

1064 U.S. PTO  
09/896856  
06/29/01

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

## NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Joffre Baker  
Kenneth Chien  
Kathleen King  
Diane Pennica  
William Wood

Title: **CARDIAC HYPERTROPHY FACTOR AND USES THEREFOR**

### 1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application Serial Number 09/033,114, filed March 2, 1998, the entire disclosure of which is hereby incorporated by reference.

### 2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

121 pages of specification (including 11 pages of Sequence Listing)  
4 pages of claims  
1 page(s) of abstract  
8 sheet(s) of drawings  
☒ formal ☐ informal

### 3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

09/896856 "06/29/01"

\_\_\_ An executed declaration of the inventor(s) [] is enclosed [] will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

x  A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

\_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

#### 4. Assignment

*(for new and CIP applications)*

\_\_\_ An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

*(for cont./div.)*

x  The prior application is assigned of record to Genentech, Inc.

#### 5. Amendments (for continuation and divisional applications)

\_\_\_ Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

x  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

#### Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

\_\_\_ Amend the specification by inserting before the first line the sentence:

--This is a

\_\_\_ non-provisional application

\_\_\_ continuation

\_\_\_ divisional

\_\_\_ continuation-in-part

of co-pending application(s)

\_\_\_ International Application \_ filed on \_ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

\_\_\_ provisional application No. \_ filed \_, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	12	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$80.00	\$0.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$710.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$710.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

**9. Additional Papers Enclosed**

- ☒ Submission of "Sequence Listing" and Letter and Request to Use Computer-Readable Sequence Listing
- ☒ Copy of Power of Attorney by Assignee as filed in USSN 09/033,114
- ☒ Copy of Change of Correspondence Address as filed in USSN 09/033,114

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- x   A copy of a petition for extension of time in the **prior** application is attached.

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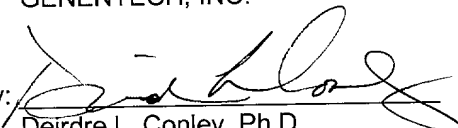
**11. Correspondence Address:**

X Address all future communications to:

Attn: Deirdre L. Conley, Ph.D.

Respectfully submitted,  
GENENTECH, INC.

Date: June 29, 2001

By:   
Deirdre L. Conley, Ph.D.  
Reg. No. 36,487  
Telephone No. (650) 225-2066



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PATENT TRADEMARK OFFICE

106390-9529686

In re Application of	Group Art Unit: not yet assigned
Joffre Baker et al.	Examiner: not yet assigned
Serial No.: not yet assigned	
Filed: June 29, 2001	EXPRESS MAIL LABEL NO. EM 168 886 555 US
For: CARDIAC HYPERTROPHY FACTOR AND USES THEREFOR	

UNDER 37 CFR §1.821(e)

Sir:

Applicants respectfully request that the compliant computer-readable Sequence Listing filed in application Serial No. 09/033,114 be used as the computer-readable Sequence Listing for the present, above-identified application.

The paper copy of the Sequence Listing filed in the present application is identical to the computer-readable copy of the Sequence Listing filed in the application Serial No. 09/033,114.

Respectfully submitted,  
GENENTECH, INC.

Date: June 29, 2001

By:

Deirdre L. Conley, Ph.D.

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